IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

Writ Petition No. 8060 of 2005

Gazder Hotel Equipments
Pvt.Ltd. ..Petitioner

vs.

1. State of Maharashtra
and others ...Respondents

Shri Vishal Khanavkar for petitioner
Shri M.S.Solkar, A.G.P. for respondent No.1 State.

CORAM: S.B.MHASE J.
8th August,2006

P.C.

1. Heard the learned Counsel for the parties.

2. The petition is against the order passed by the Asstt.Provident Fund Commissioner, S.R.O.Nashik on 8th April, 2003 bearing No.MH/NK/51177/PF/ENF/SRO/NSK/36/36. This is the order under sec.7-A of the Employees Provident Fund and Misc.Provisions Act, 1952. Appeal as against the said order has been provided under sec.7(I) of the said Act to the Tribunal. Without following the said appeal the petitioner has directly approached this Court. Therefore, in view of alternative equally efficacious remedy being available to the petitioner, this Court refrains to entertain the petition.

3. Learned Counsel for the petitioner, at this

stage, submitted that the petitioner is ready to go to the Tribunal but the delay may be condoned. In fact, whether the delay to be condoned or not is the question to be decided by the Tribunal when the appeal is filed before the Tribunal. This Court cannot usurp those powers by accepting the prayer made by the learned Counsel. The petitioner can satisfy the Tribunal in accordance with law in respect of the delay if permissible under the law. Petition is disposed of accordingly.

(S.B.MHASE J.)